

REMARKS

The applicant appreciates the Examiner's thorough examination of the application and requests reexamination and reconsideration of the application in view of the preceding amendments and the following remarks.

The Examiner objects to claim 9 because of informalities. Claim 9 has been amended.

The Examiner rejects claims 1-4, 7-9, and 15 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 1,250,150 to *DuBois*. The Examiner also rejects claims 1-4, 7, 12-15 and 17 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,862,521 to *van Marwijk et al.* The Examiner further rejects dependent claims 5 and 6 under 35 U.S.C. §103(a) as being unpatentable over *DuBois*, and dependent claims 10, 11 and 16 under 35 U.S.C. §103(a) as being unpatentable over *DuBois* in view of U.S. Pat. No. 5,231,700 to *Cutshall*.

In the Response to Arguments section of the current Office Action it states in pertinent part that:

The Examiner is interpreting the width of the spring to be the entire circumferential extent of the spring as it encircles the wearer's wrist, and the thickness to be that of the single coil wire element ... [T]he claims do not recite the thickness or width of the coil as it pertains to specific portions of the coil ...

... Thus, when interpreted broadly, *DuBois* and *van Marwijk* both teach a single coil spring wider than [sic] is shown as being twice as wide as it is thick.

With this interpretation, the Examiner states in pertinent part that *Dubois* discloses an element 7 attached to the wrist portion in the form of a single coiled spring at least twice as wide as it is thick to improve comfort. Also with this interpretation, the Examiner states in pertinent part that *van Marwijk* discloses element 4 attached to the wrist portion in the form of a metal coated spring at least twice as wide as it is thick to improve comfort.

The applicant respectfully traverses the Examiner rejections and interpretation of the applicant's claims.

Pending claims are to be given their *broadest reasonable* interpretation, and this *broadest reasonable interpretation* is to be *consistent with the interpretation that those skilled in the art would reach*. See MPEP §2111, citing In re Cortwright, 165 F.3d 1353, 1359, 49 USPQ 2d 1464, 1468 (Fed. Cir. 1999).

Additionally, MPEP §2111 requires that during patent examination the pending claims must be given their broadest *reasonable* interpretation *consistent with the specification*.

The relationship between the width and thickness of the applicant's claimed elastic element/coiled spring would be clear to those skilled in the art, consistent with the applicant's specification. As such, this claimed relationship is contrary to the Examiner's interpretation.

For clarification only and to advance prosecution, however, the applicant has amended independent claims 1 and 15-17 to more particularly recite the relationship between the coiled spring width and its thickness. The current claim amendments are duly supported by the applicant's specification and figures.

As amended, claim 1 recites in pertinent part "an elastic element attached to the wrist portion in the form of a coiled spring with coils of said spring each having a width parallel to a plane defined by the glove portion and a thickness perpendicular to the plane of the glove portion and to the width of said coils, wherein said width is wider than said thickness is thick to improve comfort". Independent claims 15-17 have also been amended.

Dubois and *van Marwijk* each fail to disclose or describe any dimensional relationship between width and thickness (of e.g. *Dubois'* coils 7, or of e.g. *van Marwijk*'s elastic closure elements 4) at all, and thus fail to disclose this relationship as claimed by the applicant.

Moreover, *Dubois'* and *van Marwijk's* figures, for example Fig. 1 of *Dubois* (showing coils 7)

and Fig. 1 of *van Marwijk* (showing elastic closure elements 4) do not assist in the analysis.

These figures are not three-dimensional, and as noted, the descriptions of these figures in *Dubois*

and *van Marwijk* do not teach any dimensional relationship of such elements.

Accordingly, the applicant submits that independent claims 1 and 15-17 are in condition for allowance over both *Dubois* and *van Marwijk*. Claims 2-14 depend directly or indirectly from claim 1, and thus are also in condition for allowance for at least the same reasons.

CONCLUSION

Accordingly, the applicant submits that claims 1-17 are in condition for allowance.

Each of Examiner's have been addressed or traversed. Early and favorable action is respectfully requested.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned or his associates, collect in Waltham, Massachusetts at (781) 890-5678.

Respectfully submitted,



Thomas E. Thompkins, Jr.
Reg. No. 47,136